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Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Amdt. 1]

PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Subpart—Exemption Certificates and Safeguards

MISCELLANEOUS AMENDMENTS

Findings. (1) Pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Red River Valley Potato Committee established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendments to Exemption Certificates and Safeguards (24 F.R. 85, 8410; §§ 938.100–938.130), as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (i) the time intervening between the date when information upon which these amendments are based became available and the time when such amendments must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by these amendments, (iii) compliance with these amendments will not require any preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted under the circumstances, for such preparation; and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order. Under § 938.110 add a new paragraph (3) and following § 938.130 add a new heading, Registered Handlers, and a new section, § 938.140, as set forth below.

EXEMPTIONS

§ 938.110 **Interpretations.**

* * * * *

(3) Other events which would require determination by the committee on the basis of the particular circumstances as referred to in paragraph (2) above may include potatoes conditioned for chipping that fail after customary and adequate grading to meet grade and size requirements applicable to potatoes for special use as potato chips; *Provided,* That a handler of such potatoes qualifies as a registered handler of potatoes for chipping under the provisions of § 938.140.

REGISTERED HANDLERS

§ 938.140 **Registered handlers of potatoes for chipping.**

(a) (1) Handlers of potatoes that have been conditioned, or are to be conditioned, for special use as potato chips may apply for registration with the committee as registered handlers of potatoes for chipping. Handlers who apply for registration as registered handlers of potatoes for chipping shall furnish the committee with evidence of special storage and other facilities for conditioning potatoes for potato chips and shall agree to furnish the committee with such reports as the committee may require. Application may be made on forms furnished by the committee. Evidence required by the committee shall include the following:

(i) Location of the applicant's storage facilities within the production area.

(ii) Size or other description of storage facilities.

(iii) Facilities for control of storage, temperature and humidity, and other pertinent information concerning the adequacy and effectiveness of applicant's facilities for conditioning potatoes for chipping.

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(iv) Evidence of a contract or other arrangement with a manufacturer or processor of potatoes for potato chips.

(v) Such other information as the committee may require to enable the committee to determine the applicant's qualifications as a handler of potatoes for chipping.

(2) The committee or its duly authorized agent shall give prompt consideration to each application. Approval of an application based upon a determination as to whether the information contained therein and other information available to the committee supports approval shall be evidenced by notification in writing to the applicant. If an application is denied it shall be returned to the applicant with a brief statement in writing of the reasons therefor.

(b) The committee from time to time may conduct surveys of the operations of registered handlers of potatoes for chipping to determine whether such handlers are complying with requirements applicable to the handling of potatoes for chipping. Whenever the committee finds that a registered handler of potatoes for chipping has failed to furnish reports or information requested by the committee or is failing to comply with requirements and regulations applicable to the handling of potatoes for chipping, the committee may rescind the registration of such handler. Such disqualification shall apply to and not exceed a reasonable period of time as determined by the committee but in no event shall it extend beyond the succeeding fiscal period. Any handler whose registration as a registered handler of potatoes for chipping is rescinded, or whose application therefor has been denied, may appeal to the committee in writing for reconsideration of such disqualification or denial.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 7, 1959, to become effective December 15, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-10477; Filed, Dec. 10, 1959; 8:46 a.m.]

[938.301 Amdt. 1]

PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this amendment until 30 days after publica-

tion in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (3) a reasonable time is permitted under the circumstances, for such preparation, and (4) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. In § 938.301 (24 F.R. 6253), delete paragraph (g) and substitute therefor a new paragraph (g) as set forth below.

§ 938.301 Limitation of shipments.

* * * * *

(g) *Inspection.* (1) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part, it is hereby determined pursuant to paragraph (d) of § 938.60, that each inspection certificate shall be valid for a period not to exceed 5 days, except that inspection certificates issued to registered handlers of potatoes for chipping (§ 938.140) on potatoes for special use as potato chips shall be valid for a period not to exceed 60 days. The valid period begins at the end of the day (midnight) on which inspection is completed as shown in the certificate.

(2) Except as provided in paragraph (f) of this section, no handler shall transport or cause the transportation of any shipment of tablestock potatoes by motor vehicle, unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 7, 1959, to become effective December 15, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–10476; Filed, Dec. 10, 1959; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 9—PUBLIC RECORDS

Communications Relating to Licensing and Rule Making Proceedings

The increasing number of Commission licensing and rule making proceedings and the interest of private and public persons therein, as shown in communications to the Commission, require that procedures be established to assure that all written communications to the Commission relating to such proceedings be placed in the public records of the Commission and, where licensing is involved, be served on the parties to the proceeding. Under the attached amendment to the AEC rules, Part 9, "Public Records", communications received from members of Congress would be treated in such manner, and the member of Congress originating the communication would be simultaneously informed of the action taken.

Notice is hereby given that the following amendments shall become effective within 30 days after publication thereof in the FEDERAL REGISTER. All interested persons who desire to submit written comments and suggestions for consideration in connection with the amendments should send them to the U.S. Atomic Energy Commission, Washington 25, D.C., Attention: General Counsel, within 30 days after publication of these amendments in the FEDERAL REGISTER.

§ 9.3 [Amendment]

1. Section 9.3, "Inclusions", is amended by deleting paragraph (b) thereof and substituting the following therefor:

(b) All correspondence or portions of correspondence to and from AEC regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, or revocation of a license or permit or regarding a rule making proceeding subject to Part 2 of this chapter.

§ 9.4 [Amendment]

2. Section 9.4, "Exceptions", is amended by deleting paragraph (i) thereof and substituting the following therefor:

(i) Correspondence with members of Congress or Congressional committees, except (1) correspondence released by the member of Congress or Congressional committee concerned, or (2) correspondence regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, or revocation of a license or permit or regarding a rule making proceeding subject to Part 2 of this chapter.

3. Section 9.8 is added, as follows:

§ 9.8 Service of communications on parties to licensing proceedings.

Unless otherwise placed in the record of the proceeding, written communications (except communications defined in § 9.4) addressed to AEC with respect to any pending proceeding for the issuance, denial, amendment, transfer, renewal, modification, suspension or revocation of a license or permit subject to Part 2 of this chapter, in which proceeding a notice of hearing has been issued, shall be served by the Secretary upon the parties to the proceeding.

(Sec. 161, 68 Stat. 948, 52 U.S.C. 2201)

Dated at Germantown, Md., this 3d day of December 1959.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 59–10465; Filed, Dec. 10, 1959; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12738]

PART 16—LAND TRANSPORTATION RADIO SERVICES

Correction

In the matter of amendment to § 16.252 of Part 16, Land Transportation Radio Services, to limit use of the frequencies in the 30–50 Mc range to the single-frequency method of operation.

The Commission's Report and Order adopted December 2, 1959 (FCC 59–1233) in the above entitled matter, is corrected as follows:

In paragraph (d) of § 16.252 insert the following sentence at the end of the text preceding the tables: "Any licensee authorized prior to February 1, 1960, to operate on any frequency or frequencies not in accordance with these tables may be authorized to continue the use of such frequency or frequencies until no later than November 1, 1963."

Released: December 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–10485; Filed, Dec. 10, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–FW–24; Amdt. 141]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone and Control Area Extension

Correction

In F.R. Doc. 59–10323, appearing at page 9842 of the issue for Tuesday, December 8, 1959, the amendment number within the brackets of the heading should read as it appears above.

[Reg. Docket No. 190; Amdt. 145]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Minneapolis VOR	MSP-LFR	146—19.4	2500	T-dn C-dn S-dn-29L and R A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Procedure turn N side SE crs, 119° Outbnd, 299° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to Rwy 29L, 290°—3.0 mi.
Crs and distance, facility to Rwy 29R, 299°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles, make left climbing turn to 2200′ and return to MSP-LFR.
Major change: Deletes transitions from Hastings FM and Hamel FM.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold-Chamberlain Field); Elev., 840′; Fac. Class., SBRAZ; Ident., MSP; Procedure No. 1, Amdt. 11; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 10; Dated, 14 Mar. 59

Pensacola VOR	PNS-LFR	Direct	1700	T-dn C-dn S-dn-34 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar Terminal Area Transition Altitudes:
All bearings clockwise from Radar Site.
Sector 060° to 290°—1200′ within 20 miles.
Sector 290° to 060°—1400′ within 20 miles.
Radar control must provide 1000′ clearance when within 3 miles, or 500′ clearance between 3 to 5 miles of 440′ MSL tower 3 miles WSW and 630′ MSL tower 5 miles WSW of airport.
Procedure turn E side S crs, 161° Outbnd, 341° Inbnd, 1200′ within 10 miles. Beyond 10 miles NA due warning area.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 343—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi after passing LFR, climb to 1300′ on the N crs of the Pensacola LFR (341° mag.) within 15 mi or, when directed by ATC, turn right, climb to 1300′ on crs of 053° from the Saufley RBn within 15 miles.
CAUTION: Warning Area beyond 10 miles S of PNS range.
AIR CARRIER NOTE: Sliding scale not applicable for landings on Runways 8 and 12.

City, Pensacola; State, Florida; Airport Name, Municipal; Elev., 121′; Fac. Class., SBRAZ; Ident., PNS; Procedure No. 1, Amdt. 12; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 11; Dated, 27 Dec. 58

PIH-VOR	PIH-LFR	Direct	6500	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2

Procedure turn N side West crs, 236° Outbnd, 056° Inbnd, 6500′ within 10 mi. All turns N side crs. High terrain S.
Minimum altitude over facility on final approach crs, *4900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left and climb to 6500′ on N crs within 20 mi.
CAUTION: High terrain SE through SW of airport.
NOTE: This procedure not approved for ADF approach.
Major change: Deletes transition from the LOM.
*Maintain track N side W crs when descending below 5200′. Standard clearance over obstructions not provided.

City, Pocatello; State, Idaho; Airport Name, Municipal; Elev., 4448′; Fac. Class., BMRLZ; Ident., PIH; Procedure No. 1, Amdt. 4; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 3; Dated, 17 Sept. 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DEN VOR	AUR-MHW	Direct	7000	T-dn	300–1	300–1	200–½
DEN LFR	AUR-MHW	Direct	7000	C-dn	400–1	500–1	500–1½
Franktown FM* (Northbnd only)	AUR-MHW	Direct	7500	S-dn-35	400–1	400–1	400–1
Englewood FM	AUR-MHW (Final)	Direct	6200	A-dn	800–2	800–2	800–2

Procedure turn E side S crs, 164° Outbnd, 344° Inbnd, 7500′ within 10 miles (NA beyond 10 miles due to terrain).
Minimum altitude over facility on final approach crs, **6200′.
Crs and distance, facility to airport, 344—3.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles, climb to 6300′ on crs of 345° from DEN LFR within 20 miles.
NOTE: Alternate missed approach, when directed by ATC, climb to 6600′ on E crs DEN LFR within 20 miles.
CAUTION: 5918′ MSL tower 4.7 miles E SE of airport. Standard clearance not provided over obstructions in final approach area.
*Descent below 8900′ not authorized until 3 mi N of Franktown FM due to 6715′ terrain 6 mi NW of Franktown.
**Do not descend below 5825′ MSL until 1.5 mi N Aurora RBn on account of 5525′ MSL tower at Lowry Field.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., MHW; Ident., AUR; Procedure No. 2, Amdt. 6; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 5; Dated, 7 May 55

Rockwood Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Salem VOR	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Carleton VOR	LOM (Final)	Direct	1500	S-dn-3L-R	400–1	400–1	400–1
Milan Int	LOM	Direct	2000	A-dn	800–2	800–2	800–2
YIP LOM	LOM	Direct	2000				
Park Int	LOM	Direct	2000				
Detroit LFR	LOM	Direct	2000				
Flat Rock Int	LOM	Direct	2000				
Milan Int	*Creek Int	V–10	2000				
*Creek Int	LOM (Final)	Direct	1500				

Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbnd. Final approach crs at least 3.0 mi from LOM. Refer to Willow Run Radar Procedure if detailed information on sector altitudes is desired.
Procedure turn East side of crs, 212° Outbnd, 032° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to Runway 3L, 032°—4.3 mi; to Runway 3R, 040°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of LOM, make right 180° turn, climb to 2300′ and proceed to Park Int via R-234 Windsor VOR or, when directed by ATC, make right 180° turn, climb to 2300′ and proceed to Flat Rock Int via SE crs DTW LFR.
*Int CRL VOR R-267 and front crs DTW ILS.

City, Detroit; State, Mich.; Airport Name, Detroit Metropolitan Wayne County; Elev., 639′; Fac. Class., LOM; Ident., DT; Procedure No. 1, Amdt. 5; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 4; Dated, 23 May 59

Detroit LFR	FRD RBn or Ford Int*	Direct	2000	T-dn	300–1	300–1	200–½
Salem VOR	FRD RBn or Ford Int*	Direct	2000	C-dn	400–1	500–1	500–1½
Milan Int	FRD RBn or Ford Int*	Direct	2000	S-dn-23R and L	400–1	400–1	400–1
Park Int	FRD RBn or Ford Int*	Direct	2000	A-dn	800–2	800–2	800–2
Bridgewater Int	FRD RBn or Ford Int*	Direct	2300				
Rouge Int	FRD RBn or Ford Int*	Direct	2300				

NOTE: Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3 N miles from FRD RBn. Refer to Willow Run Radar Approach Procedure if detailed information on sector altitudes is desired.
Procedure turn, N side of crs, 050° Outbnd, 230° Inbnd, 2000′ within 9 miles. NA beyond 9.0 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to Runway 23L, 230°—3.9 mi; to Runway 23R, 231°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi of Ford RBn, climb to 2000′ on W crs Detroit LFR within 20 miles or, when directed by ATC, (1) climb to 2300′, proceed to YIP LOM; (2) climb to 2300′, proceed to DTW LOM; (3) make left turn climbing to 2000′, proceed to CRL VOR.
CAUTION: Tower 1749′ 15 mi NE Ford RBn.
Major changes: Transition from Saline Int deleted.
*Int NE crs YIP ILS and SVM VOR R-143.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., MHW; Ident., FRD; Procedure No. 2, Amdt. 7; Eff. Date, 26 Dec. 59; Sup Amdt. No 6; Dated 29 Mar 58

Int 289° track to PAK "H" & LIH VOR R-165.	PAK "H" (Final)	Direct	2000	T-d*	600–1	600–1	600–1
				T-n	700–2	700–2	700–2
				C-d	1000–1	1000–1	1000–2
				C-n	1000–3	1000–3	1000–3
				A-dn	1000–3	1000–3	1000–3

Procedure turn South side of track, 109° outbnd, 289° inbnd. 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to Port Allen Airport, 260°—6.0 mi. VFR must be established within 6.0 miles at Port Allen Airport. Flight from Port Allen Airport to Lihue Airport must be accomplished by reversing course and following shoreline in easterly and northeasterly direction under visual flight rule conditions at or above authorized minimums.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, make left turn, climb to 5000′ on track of 169° from PAK "H" within 20 miles.
AIR CARRIER NOTE: Sliding scale not authorized Runway 21.
CAUTION: High terrain north side of track.
*600–2 required on Runway 21.

City, Lihue; State, Hawaii; Airport Name, Lihue; Elev., 148′; Fac. Class., H; Ident., PAK; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 Dec. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
NAS-VOR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
PNS-LFR	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
				S-dn-16	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Terminal Area Transition Altitudes:
All bearings clockwise from Radar Site.
Sector 060° to 290°—1200′ within 20 miles.
Sector 290° to 060°—1400′ within 20 miles.
Radar control must provide 1000′ clearance when within 3 miles, or 500′ clearance between 3 to 5 miles of 440′ MSL tower 3 miles WSW and 680′ MSL tower 5 miles WSW of airport.
Procedure turn*E side N crs, 343° Outbnd, 163° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 163°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1200′ on crs of 163° from the LOM within 10 miles or, when directed by ATC, climb to 1200′ on crs of 100° from the Pensacola LFR within 15 miles.
CAUTION: Warning area 10 mi S of PNS range.
AIR CARRIER NOTE: Sliding scale not applicable for landings on Runways 8 and 12.
*Nonstandard due control area limits.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121′; Fac. Class., LOM; Ident., PN; Procedure No. 1, Amdt. 4; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 3; Dated, 27 Dec. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Amarillo LFR	AMA-VOR	Direct	4800	T-dn	300-1	300-1	200-1½
Tradewind MHW	AMA-VOR	Direct	5000	C-dn	400-1	500-1	500-1½
				S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 4900′ within 10 mi.
Minimum altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 219°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi, climb to 5000′ on R-210 within 20 mi, or when directed by ATC, turn left, climb to 4700′ on R-075 within 20 mi.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604′; Fac. Class., BVOR; Ident., AMA; Procedure No. 1, Amdt. 6; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 5; Dated, 26 Sept. 59

AMA LFR	AMA VOR	Direct	5000	T-dn	300-1	300-1	200-½
TDW-RBN	AMA VOR	Direct	5000	C-dn	400-1*	500-1	500-1½
AMA LFR	Potter Int.*	Direct	5000	S-dn-3	400-1	400-1	400-1
TDW RBN	Potter Int. (Final)*	037°—4.4	4500	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 210° Outbnd, 030° Inbnd, 5000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over Potter Int* on final approach crs, 4500′.
Crs and distance, Potter Int* to airport, 030°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mi after passing Potter Int, climb straight ahead to 4900′ on R-210 to the VOR, thence R-030 within 20 mi of AMA VOR or, when directed by ATC, climb to 4700′ on AMA VOR R-075 within 20 mi of VOR.
NOTE: This procedure is authorized only for aircraft equipped with VOR and ADF receivers.
CAUTION: Towers 3994 MSL 5 mi. SW; 3886 MSL 4 mi. SW; 3855 MSL 5 mi. SSW.
*Potter Int: Int AMA VOR R-211 and Brng 356° to AMA LFR.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604′; Fac. Class., BVOR; Ident., AMA; Procedure No. 2, Amdt. 3; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 2; Dated, 26 Sept. 59

Concord LFR	MHT VOR	182°—19	2000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-35	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 157° Outbnd, 337° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 337°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, climb to 2000′ within 10 miles of MHT VOR facility on R-337 and advise ATC. If radio contact not made prior to reaching 10 miles, turn right and proceed direct to MHT VOR facility. Set up non-standard one minute right holding pattern 337° to and 157° from MHT VOR facility.

City, Manchester; State, N.H.; Airport Name, Grenier; Elev., 233′; Fac. Class., VOR; Ident., MHT; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 Dec. 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PIH LFR	PIH-VOR	Direct	6500	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-3	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 234° Outbnd, 054° Inbnd, 6500' within 10 mi. All turns N side of crs; high terrain S.
Minimum altitude over facility on final approach crs, 5200'.
Crs and distance, facility to airport, 032°—3.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles, climb to 7000' on R-015 within 20 mi. or, when directed by ATC, turn left, climb to 7000' on R-357 within 20 mi.
CAUTION: High terrain located SE through SW of airport.
Major change: Deletes transition from PIH LOM.

City, Pocatello; State, Idaho; Airport Name, Municipal; Elev., 4448'; Fac. Class., BVOR; Ident., PIH; Procedure No. 1, Amdt. 3; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 2; Dated, 3 Sept. 55

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORD-VOR	LOM	Direct	*2500	T-dn	300-1	300-1	200-½
OBK-VOR	LOM	Direct	*2500	C-dn	400-1	500-1	500-1½
NBU-LFR	LOM	Direct	*2500	S-dn-14L#	300-¾	300-¾	300-¾
MDW-LOM	LOM	Direct	*2500	A-dn	800-2	800-2	800-2
Morton Int	LOM	Direct	*2500				
Spring Lake Int	LOM	Direct	*2500				
Elgin Int	LOM	Direct	*2500				
Crystal Int	LOM	Direct	*2500				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 mi. from LOM. Refer to radar procedures for O'Hare if sector altitude information is desired.
Procedure turn West side of NW crs, 318° Outbnd, 138° Inbnd, 2700' within 10 mi.
Minimum altitude at G.S. interception inbnd, 2500'.
Altitude of G.S. and distance to approach end of Rnwy at LOM, 2505'—5.7 mi; at LMM, 905'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn, climb to 2500' or higher altitude specified by ATC and proceed to Northbrook VOR via ORD R-030 and OBK R-135 or, when directed by ATC, (1) make immediate left turn climb to 3500', proceed to Morton Int via ORD R-076; (2) make immediate left turn, climb to 2500', proceed to NBU LFR via 030° crs and SE crs NBU LFR.
NOTE: Simultaneous Parallel ILS Approach Study being conducted to Rnwys 14R and 14L, when WX is 2300-3 or better with pilot's concurrence. Rnwy 14R LOM designated "ROMEO"; Rnwy 14L LOM designated "LIMA".
*2700' during simultaneous approaches.
#400-1 required when Glide slope not utilized.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev., 666'; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS-14L, Amdt. 1; Eff. Date, 26 Dec. 59; Sup. Amdt. No. Orig.; Dated, 22 Aug. 59

Detroit LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Salem VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Carleton VOR	LOM	Direct	2000	S-dn-3L	200-½	200-½	200-½
Milan Int	LOM	Direct	2000	S-dn-3R#	400-1	400-1	400-1
YIP LOM	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Park Int	LOM	Direct	2000				
Flat Rock Int	LOM	Direct	2000				
Rockwood Int	LOM	Direct	2000				
Milan Int	Creek Int*	V-10	2000				
Creek Int*	LOM (Final)	Direct	2000				
Carleton VOR	LOM (Final)	Direct	2000				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from LOM. Refer to Willow Run Radar procedure if detailed information on sector altitudes is desired.
Procedure turn East side of crs, 212° Outbnd, 032° Inbnd, 2000' within 10 miles.
Minimum altitude at G.S. int inbnd, 2000'.
Altitude of G.S. and distance to approach end of rny at LOM, 2016'—4.3 mi; at LMM, 870'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right turn, climb to 2300', proceed to Park Int via R-264 Windsor VOR or, as directed by ATC, make right 180° turn, climb to 2300' and proceed to Flat Rock Int via SE crs of DTW LFR.
#Crs and distance, OM to Rny 3R, 040°—4.6 mi.
*Creek Int—Int CRL VOR R-267 and front crs DTW ILS.

City, Detroit; State, Mich.; Airport Name, Detroit Metropolitan; Wayne County; Elev., 639'; Fac. Class., ILS; Ident., I-DTW; Procedure No. ILS-3L-R, Amdt. 4; Eff. Date, 26 Dec. 59; Sup. Amdt. No. 3; Dated, 9 May 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
Detroit LFR	Ford Int or Ford RBn*	Direct	2000	T-dn	300-1	300-1	200-½
Salem VOR	Ford Int or Ford RBn*	Direct	2000	C-dn	400-1	500-1	500-1½
Milan Int	Ford Int or Ford RBn*	Direct	2000	S-dn-23L-R#	400-1	400-1	400-1
Bridgewater Int	Ford Int or Ford RBn*	Direct	2300	A-dn	800-2	800-2	800-2
Rouge Int	Ford Int or Ford RBn*	Direct	2300				
Park Int	Ford Int or Ford RBn*	Direct	2000				

Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach course at least 3 miles from *Ford Int. Refer to Willow Run Radar procedure if detailed information on sector altitudes is desired.
Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 2000' within 9 miles. NA beyond 9 miles.
Minimum altitude over *Ford Int or Ford RBn, 1600'.
Crs and distance, *Ford Int or Ford RBn to Rnwy 23L, 230°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles climb to 2000' on W crs Detroit LFR within 20 miles or, when directed by ATC, (1) Climb to 2300', proceed to YIP LOM, (2) Climb to 2300', proceed to DTW LOM, (3) Climb to 2000', proceed to CRL VOR.
CAUTION: TV tower 1749' 15 mi NE of Ford Int.
Major change: Deletes transition from Midcraft Int.
*Ford Int: Int NE crs YIP ILS and SVM VOR R-143.
#Crs and distance, *Ford Int or Ford RBn to Rny 23R, 231°—4.0 mi.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class., ILS; Ident., IYIP; Procedure No. ILS-23R and L, Amdt. 1; Eff. Date, 26 Dec. 59; Sup. Amdt No. Orig.; Dated, 8 Mar. 58

LaGuardia LFR	RWC MHW	Direct	1500	T-dn	300-1	300-1	200-½
Port Chester FM	RWC MHW (Final)	Direct	1000	C-dn	500-1	600-1	600-1½
Glen Cove MHW	RWC MHW	Direct	1500	S-dn-22	400-1	400-1	400-1
Meadowbrook Int	RWC MHW	Direct	1900	A-dn	600-2	600-2	600-2

Radar vectors may be substituted for the above transitions.
Procedure turn W side NE crs, 044° Outbnd, 224° Inbnd, 1900' within 10 mi of New Rochelle MHW.
No glide slope or markers. Final approach altitudes and distances to Runway 22 from RWC MHW 1500', 7.7 mi; from LGA LFR 1000', 2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi after passing LGA LFR, climb to 1500' on SW crs LGA ILS or LFR or (when directed by ATC) (2) climb to a higher altitude or (3) make a climbing left turn to 1500' return to RCW MHW, or (4) if unable to proceed from RWC MHW with 3 mi visibility and clear of all clouds make a climbing right turn to 1500' and return to RWC MHW holding pattern.
CAUTION: Standard clearance not provided over obstructions in circling area of airport.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class., ILS; Ident., LGA; Procedure No. ILS-22, Amdt. 7; Eff. Date, 26 Dec. 59; Sup. Amdt. No. (Dated, 15 June 57

Pensacola VOR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
Pensacola LFR	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
				S-dn-16*	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar terminal area transition altitudes:
All bearings clockwise from Radar Site.
Sector 060° to 290°—1200' within 20 miles.
Sector 290° to 060°—1400' within 20 miles.
Radar control must provide 1000' clearance when within 3 miles, or 500' clearance between 3 to 5 miles of 440' MSL tower 3 miles WSW and 630' MSL tower 5 miles WSW of airport.
Procedure turn E side N crs, 343° Outbnd, 163° Inbnd, 1300' within 10 mi. Beyond 10 mi NA. (Nonstandard due to control area limits.)
Minimum altitude at G.S. int inbnd, 1300'.
Altitude of G.S. and distance to appr end of rny at OM 1266—3.8, at MM 320—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing LOM, climb to 1200' on SE crs of ILS within 10 miles or, when directed by ATC, climb to 1200' on R-100 of the Pensacola (NAS) OMNI within 15 miles.
NOTE: No approach lights.
AIR CARRIER NOTE: Sliding scale not applicable for landings on Runways 8 and 12.
CAUTION: Warning Area beyond 10 miles S of PNS range.
*400-¾ required when glide path not utilized.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121'; Fac. Class, ILS; Ident., IPNS; Procedure No. ILS-16, Amdt. 4; Eff. Date, 26 Dec. 59; Sup. Amdt. No. Dated, 27 Dec. 58

Pensacola VOR via R-100	Blanchard Int*	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-34	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Terminal Area Transition altitudes:
All bearings clockwise from Radar Site.
Sector 060° to 290°—1200' within 20 miles.
Sector 290° to 060°—1400' within 20 miles.
Radar control must provide 1000' clearance when within 3 miles, or 500' clearance between 3 to 5 miles of 440'.
MSL tower 3 miles WSW and 630' MSL tower 5 miles WSW of airport.
Procedure turn E side S crs, 163° Outbnd, 343° Inbnd, 1200' within 10 mi. Blanchard Int.* Beyond 10 mi NA. due Warning Area.
No Glide Slope. Minimum altitude over Blanchard Int* 700', distance to appr end of rny at Blanchard Int to Rnwy 34, 343°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi after passing Blanchard Int, climb to 1300' on the ILS NW crs within 15 miles or, when directed by ATC, turn right, climb to 1300' on R-053 of the Pensacola OMNI within 15 miles.
AIR CARRIER NOTE: Sliding scale not applicable for landings on Runways 8 and 12.
*Int R-100 NAS and ILS S crs.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121'; Fac. Class., ILS; Ident., I-PNS; Procedure No. ILS-34, Amdt. 4; Eff. Date, 26 Dec. 59; Sup. Amdt. No. Dated, 27 Dec. 58

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on November 27, 1959.

S. A. KEMP,
Acting Director, Bureau of Flight Standards.

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Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 26[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 385—EXPORTATIONS OF TECHNICAL DATA

Miscellaneous Amendments

1. Section 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO,* is amended by adding thereto the following commodities:

Schedule B No.	*Commodity*
70797	Airborne direction finders.[2]
70867	Electronic detection and navigational apparatus, n.e.c., and specially fabricated parts and accessories, n.e.c.[2]

2. § 373.51 *Spare parts accompanying aircraft,* is retitled *Aircraft and equipment, parts, accessories, and components therefor,* and a series of interpretative questions and answers is added to read as follows:

NOTE: Questions and answers regarding export licensing of civil aircraft and related commodities:

EXPORT LICENSING AUTHORITY OF DEPARTMENTS OF COMMERCE AND STATE

1. Q. Since both the Department of State and the Department of Commerce license aircraft and equipment, parts, accessories, or components therefor, how can an exporter determine which agency has the licensing authority?

A. Categories X and XI of the United States Munitions List have been revised to show only those aircraft and related commodities which are licensed by the Department of State (see § 370.4(a) of this chapter). Any aircraft or related commodity which is not listed in the revised Category X or XI is licensed by the Department of Commerce. In addition, Interpretation No. 22 (§ 399.2 of this chapter) provides criteria for determining aircraft commodities under Commerce Department licensing authority.

As a general rule, civil aircraft and equipment, parts, accessories or components therefor are licensed by the Department of Commerce. Military aircraft and equipment, parts, accessories or components which are used exclusively for military aircraft will continue to be licensed by the Department of State. General purpose equipment, parts, accessories, or components which can be used for either military or civilian aircraft are licensed by the Department of Commerce.

2. Q. If an aircraft is exported to the military establishment of a foreign government, would the exportation necessarily be under the licensing authority of the Department of State?

A. No. The fact that the importer is a foreign government military establishment is not a determining factor as to whether the Department of State or the Department of Commerce has the licensing authority. (Also see Question No. 3.)

3. Q. If equipment, parts, accessories, or components for aircraft are certificated by the Federal Aviation Agency but are also listed in a military catalog, are they licensed by the Department of Commerce or the Department of State?

A. The listing of equipment, parts, accessories, or components for aircraft in a military catalog is not a determining factor as to which department has the licensing authority. However, equipment, parts, accessories, or components certificated by the Federal Aviation Agency and listed in a military catalog are usually general purpose and, as such, are under the licensing authority of the Department of Commerce. Interpretation No. 22 (§ 399.2 of this chapter) sets forth the aircraft, and equipment, parts, accessories, or components therefor under the licensing authority of the Department of Commerce, while the United States Munitions List lists those commodities under licensing authority of the Department of State.

4. Q. Is flight training equipment licensed by the Department of Commerce?

A. No. Flight training equipment is under the licensing authority of the Department of State. Flight training equipment includes such equipment as flight simulators, Link trainers, attack trainers, radar target trainers, gunnery training devices, radar trainers, instrument flight trainers, navigation trainers, drones, pilotless aircraft trainers, etc.

5. Q. Does the Department of Commerce license for export an aircraft which bears a military designation?

A. Yes. Types C–46, C–47, and C–54 cargo and passenger transports are licensed by the Department of Commerce provided such aircraft have not been equipped with or modified to include military equipment, such as gun mounts, turrets, rocket launchers, etc.

IMPORT LICENSES

6. Q. Will the Department of State continue to require import licenses for civil aircraft and equipment, parts, accessories, or components therefor?

A. No. (Also see Question No. 7.)

7. Q. Will an import license be required from the Department of Commerce to import civil aircraft into the United States?

A. No. An import license is not required for any commodities under Department of Commerce export licensing authority, unless the commodity was acquired abroad pursuant to the Foreign Excess Property Disposal Program. In such cases an import permit must be obtained from the Business and Defense Services Administration. (Also see Questions Nos. 26 and 27.)

CATEGORIES OF DEPARTMENT OF COMMERCE LICENSES

8. Q. How does the Department of Commerce license exports?

A. The Department of Commerce has two categories of licenses: the general license and the validated license.

A general license is a general authorization which permits exporters to make shipments under certain specified conditions without the need for submitting an application or receiving a license document from the Department of Commerce.

A validated license is a license document issued only after an application for license has been submitted to the Department of Commerce. Commodities which are for consumption in Canada may be shipped to that country without a general or validated license.

VALIDATED LICENSES

9. Q. What types of validated licenses are available?

A. An "individual license" and bulk types of licenses known as "Project License" (see part 374 of this chapter), "Blanket License" (see part 375 of this chapter), "Periodic Requirements License" (see part 376 of this chapter), "Time Limit License" (see part 377 of this chapter), and "Technical Data License" (see part 385 of this chapter).

10. Q. Is an exporter or an importer of civil aircraft or equipment, parts, accessories, or components therefor, required to register with the Department of Commerce before or at the time of filing a license application?

A. No. However, an exporter or an importer who intends to file aplications with the Department of State covering military aircraft, or any other commodities under licensing authority of the Department of State, may need to retain his registration with the Department of State.

11. Q. Does the Department of Commerce charge any fee for issuing an export license?

A. No.

12. Q. What is the usual time for processing a license application in the Department of Commerce?

A. Currently the Department of Commerce processes approximately 75 percent of applications within three days after receipt, and approximately 93 percent within five days.

13. Q. How may an exporter obtain information as to the status of his license application?

A. A status inquiry should be made on Form FC–743–A and addressed to the Exporters' Service Section, Attention: FC–2650, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D.C., or to any Department of Commerce field office. Generally, an applicant should allow a period of one week after receipt of the returned Acknowledgment Card (Form FC–116) before making a status inquiry.

14. Q. In case of an emergency, may an exporter request special processing of a license application?

A. Yes. In an emergency situation properly justified by the exporter—for example, a shipment of repair parts to a grounded aircraft—the exporter may request emergency clearance from the Department of Commerce. The request may be made direct to the Office of Export Supply in Washington, or through a Department of Commerce field office or a Collector of Customs. Where no license application has been filed, the exporter may submit the application to the field office or Collector of Customs at the time emergency clearance is requested. If the exportation is approved, the Collector of Customs will be notified by telephone or telegraph to permit clearance of the shipment (see § 372.5(j) of this chapter).

15. Q. What is the usual validity period of a license issued by the Department of Commerce?

A. Generally, an individual license or a Blanket License has a validity period of six months and consideration will be given to the extension of the license upon request of the licensee. However, the Department of Commerce will consider issuing a license with a validity period of more than six months for long-cycle production commodities. A Time Limit License or a Periodic Requirements License has a validity period of one year but will not be extended. A Project License is also valid for one year but may be extended.

16. Q. How does the licensee apply for extension or other amendment of his license?

[1] This amendment was published in Current Export Bulletin 824, dated December 3, 1959.

[2] For other items under this Schedule B number which require a validated license for shipments to Poland (including Danzig), see the Positive List.

A. Except for an extension of a Project License, the licensee makes application on Form FC–763. A request for extension of a Project License should be made on Form FC–957.

17. Q. Must the application for export license be made by the firm receiving the export order from the foreign customer?

A. Generally, yes. However, if the firm receiving the order is not the same as the applicant for the license, the firm receiving the order must also sign the license application in item 15 (see § 372.4(a)(2) of this chapter).

18. Q. When an export order covers a number of individual parts under one entry on the Positive List, does each part have to be listed separately on the export license application?

A. No. All parts coming under one entry on the Positive List may be included in one entry on the export license application, using the Positive List description for that entry, unless the Positive List entry states that the application must specify the parts by name.

19. Q. Where one export order covers a number of different commodities, all of which are licenses by the Department of Commerce, may all commodities be included in one license application, using a general description and one total price?

A. A single license application may include only those commodities shown on the Positive List as having the same processing code and the same commodity group number. Where such commodities are covered in separate Positive List entries, they must be listed separately on the license application, with a separate price shown for each listing (see § 372.5 (e) and (f) of this chapter).

One exception to this rule is permitted. Where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Poland (including Danzig) or a Subgroup A destination, the applicant may (1) include both the aircraft and the accompanying spare parts on a single application even though these commodities may not have the same processing code or the same related commodity group number; (2) show on the application the total value of all the accompanying spare parts without the necessity for indicating the value of each Schedule B entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Schedule B number. This exception does not relieve the applicant from classifying the commodities shown on the application in accordance with Schedule B or from describing the commodities in accordance with Positive List or Schedule B commodity description terminology. Exporters are reminded that value must be shown on the shipper's export declaration in accordance with the regulations of the Bureau of Census, even though the value may not appear on the export license.

20. Q. Should the price shown on the license application be shown in terms of price quotation to the foreign purchaser?

A. Yes. The total price should be shown in the customary form of quotation such as f.o.b. (factory), f.a.s. (named port), c.i.f. or other form.

21. Q. What documents should accompany an individual or Blanket License application?

A. The documents to be furnished for an individual or Blanket License application are specified in several sections of part 373. Generally, for an individual or Blanket License, the following indicated document is required in addition to the license application form (FC–419) and acknowledgement card (FC–116):

Destination	*Document required*
Group O	None.
Group R countries listed in § 373.2.	Import Certificate for any commodity designated by the symbol "A" on the Positive List; consignee/purchaser statement for other commodities.
Hong Kong	Endorsed Hong Kong Import License for any commodity designated by the symbol "A" on the Positive List; consignee/purchaser statement for other commodities.
Switzerland and Liechtenstein.	Swiss Blue Import Certificate for all commodities.
Yugoslavia	Yugoslav End-Use Certificate for all commodities.
Other Group R countries.	Consignee / purchaser statement for all commodities.

22. Q. May a Form FC–843, "Multiple Transactions Statement by Consignee and Purchaser," be used in support of an application for license to export to a foreign distributor who will resell to customers in the same country?

A. Yes. Item 4 of the FC–843 provides a space for the importer to indicate that he is a distributor.

23. Q. If a United States exporter leases an aircraft to a foreign individual or firm to be used abroad, is the export of the aircraft subject to export control?

A. Yes. The export of an aircraft for use overseas under a lease is subject to the same export control procedures as the export of an aircraft involving a sale.

24. Q. May an existing Department of Commerce Project License be used to export Positive List aircraft equipment, parts, accessories, or components?

A. Yes, provided the aircraft equipment, parts, accessories, or components are being exported to the approved consignees on the Project License for the use specified in the license, and provided the anticipated shipments will not exceed the grand total approved on the license. A complete aircraft, however, may not be exported under a Project License.

GENERAL LICENSES

25. Q. Is there more than one type of general license?

A. Yes, there are a number of different general licenses, each of which is designed to meet a specified type of shipment. These general licenses are described in part 371 of this chapter. Exporters of civil aircraft will be particularly interested in the following general licenses: General License GIT (see § 371.9 of this chapter), GLV (see § 371.10 of this chapter), Plane Stores (see § 371.13 (b) of this chapter), Registered Carrier Stores (see § 371.13(d) of this chapter), GLC (see § 371.15 of this chapter), GLR (see § 371.18 of this chapter), GTDP, GTDU, GTDS (see § 371.19 of this chapter), and GATS (see § 371.25 of this chapter).

26. Q. Does the Department of Commerce require a validated license for a shipment transiting the United States?

A. No. An in-transit shipment of foreign-origin commodities under the licensing authority of the Department of Commerce is permitted to enter the United States without a license and may leave the United States under General License GIT. This general license does not apply to any shipment to Hong Kong, Macao, Poland, or a Subgroup A destination, however, unless such shipment could be made direct from the United States to that destination under some other general license. (See Question No. 27.)

27. Q. Is a validated license required for aircraft equipment, parts, accessories, or components manufactured in Canada which are being exported from Canada through a United States port to a third country?

A. No. A shipment from Canada moving in transit through the United States may leave the United States under General License GIT, provided the shipper presents to the Collector of Customs a copy of Canadian Custom Entry Form B–13 authorizing the shipment. Where any pertinent detail of such shipment is not the same on the U.S. shipper's export declaration as that shown on the Canadian Customs entry, either a validated United States export license or a new Form B–13 authorizing the shipment is required unless the shipment is exportable to the new destination from the United States under another general license.

28. Q. If a new engine is installed in an aircraft while it is in the United States, is a validated license required to cover exportation of the new engine?

A. Exportation of the engine is covered by General License Plane Stores except if the engine is installed on an aircraft registered in a Subgroup A country or Poland (including Danzig) or an aircraft controlled by or under charter to a Subgroup A country or Poland (including Danzig) or a national of a Subgroup A country or Poland (including Danzig). Where General License Plane Stores does not apply a validated license is required. (Also see Questions Nos. 29 and 30.)

29. Q. Where an aircraft is brought to the United States for repair or overhaul, must a validated license be obtained to return the aircraft to the country from which it came to the United States?

A. The aircraft usually may be returned under General License GLR. This general license does not apply, however, to aircraft being exported to Hong Kong, Macao, or a Subgroup A country or to aircraft disposed of by a United States Government agency under the Foreign Excess Property Disposal Program (see § 371.18 of this chapter).

30. Q. If an aircraft is brought to the United States to be converted from piston to turbo-prop, is a validated license required to return the converted plane?

A. The aircraft may be returned under General License GLR to any destination except Hong Kong, Macao, or a Subgroup A country. A validated license is required for the return of the aircraft to Hong Kong, Macao, or a Subgroup A country.

31. Q. May an aircraft be exported under General License GLR for purposes of repair and return to the United States?

A. Yes, General License GLR may be used to export the complete aircraft, or any equipment, parts, accessories or components therefor, to the foreign country in which it was manufactured or from which it was imported into the United States, for purposes of repair and return to the United States.

32. Q. Which types of aircraft may depart from the United States under General License GLC?

A. Only an aircraft which is operating under an Operating Certificate (Air Carrier, Commercial, or Air Taxi) from the Federal Aviation Agency may depart from the United States under General License GLC.

33. Q. Where an aircraft leaving the United States for a temporary sojourn does not qualify for exportation under General License GLC, is a validated license required for its departure?

A. No. United States aircraft leaving for temporary sojourn abroad, or a foreign aircraft which has been on temporary sojour

in the United States, may depart under General License GATS, provided all of the requirements of that general license are met (see § 371.25 of this chapter).

34. Q. If a foreigner purchases an aircraft in the United States, may he fly the aircraft out of the United States under the provisions of General License GATS?

A. No. General License GATS permits aircraft of foreign registry to depart from the United States under its own power only if the aircraft was initially brought into the United States for a temporary sojourn or, if the aircraft is registered in the United States, it may depart from the United States for a temporary sojourn abroad and subsequent return to the United States.

35. Q. May an aircraft be exported under the provisions of General License Baggage or General License Tools of Trade?

A. No. For a temporary sojourn abroad, an aircraft may depart from the United States under General License GATS.

36. Q. May an aircraft or equipment, parts, accessories or components therefor be exported to Hong Kong under the provisions of General License GHK?

A. No. General License GHK may not be used for aircraft or equipment, parts, accessories or components therefor since these commodities are not included in the listing of commodities subject to General License GHK.

TECHNICAL DATA

37. Q. If technical data relating to the manufacture of aircraft is to be exported, is a validated license required? If so, which agency has the export licensing authority?

A. If the technical data bears a United States Government security classification, such as "Confidential," "Secret," or "Top Secret," the exportation must be authorized by an export license issued by the Department of State. If the technical data does not bear a United States Government security classification, its exportation may be under the licensing authority of either the Department of State or the Department of Commerce as follows: (1) The Department of State has export licensing authority over all technical data relating to commodities set forth on the United States Munitions List (see § 370.4 of this chapter) and requires a validated license for these exportations; (2) The Department of Commerce has export licensing authority over unclassified technical data relating to aircraft and equipment, parts, accessories, and components therefor which are specified in Interpretation No. 22 (see § 399.2 of this chapter). Except for selected kinds of technical data relating to the manufacture of civil aircraft which may be exported under General License GTDU or GTDP (see Question No. 40), the Department of Commerce requires that a validated license be obtained prior to exporting technical data relating to the manufacture of civil aircraft.

38. Q. May technical data be exported under a Project License if the data relates to the project for which the license was issued?

A. Yes. Technical data may be exported under a Project License provided the Project License specifically authorizes the exportation of technical data (see § 374.2 of this chapter).

39. Q. May one export license application include all technical data covered in a single licensing agreement with a foreign firm?

A. Yes. One Form FC–419 should include all those items covered in one licensing agreement which are under the jurisdiction of the Department of Commerce. Technical data exportable under the provisions of a general license should be exported under that general license. Separate application should be made to the Department of State covering data under the jurisdiction of that Department.

40. Q. Do maintenance, repair or operating manuals, instruction sheets, and blue prints for aircraft require a validated export license?

A. No. Such maintenance, repair, or operating instructional material for aircraft may be exported under General License GTDU to any destination except a Subgroup A destination or Poland (see § 385.2(b) of this chapter).

3. Section 385.2. *General Licenses GTDP, GTDU, and GTDS,* paragraph (b) *General License GTDU; Unclassified technical data either unpublished or not generally available in published form,* is amended to read as follows:

(b) *General License GTDU; Unclassified technical data either unpublished or not generally available in published form.* (1) A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, either unpublished or not generally available in published form, subject to the limitations set forth in subparagraphs (2), (3), (4) of this paragraph.

(2) This general license shall not be applicable to any exportation of technical data directly or indirectly to any Subgroup A destination or Poland (including Danzig).

(3) This general license shall not be applicable to technical data relating to the commodities described below in this subparagraph (3). The limitations set forth in this subparagraph (3) do not apply to the exportation of operating and maintenance instructional material or to technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components listed on the Positive List of Commodities (§ 399.1 of this chapter); or

(ii) The following electronic commodities:

(*a*) Electrical and electronic instruments, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Schedule B Nos. 70797 and 70867.

(*b*) Airborne transmitters, receivers, and transceivers, Schedule B No. 70779.

(*c*) Airborne direction finding equipment, Schedule B No. 70797.

(*d*) Airborne electronic navigation apparatus; airborne, ground and marine radar equipment, Schedule B No. 70867.

(4) Except as provided in subdivision (ii) of this subparagraph, this general license shall not be applicable to any exportation of technical data of the kind described in subdivision (i) of this subparagraph unless, prior to the exportation, the exporter has received written assurance from the importer that neither the technical data nor the product[3] thereof is intended to be shipped, either directly or indirectly, to a Subgroup A destination or Poland (including Danzig). Where such assurance is not obtained, the exportation of the technical data may be made only under a validated license. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement which restricts disclosure of the technical data for use only in a country not in Subgroup A or Poland (including Danzig), and prohibits shipment of the product[3] thereof by the licensee to a Subgroup A country or Poland (including Danzig). An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. In addition this general license shall not be applicable to any exportation of technical data of the kind described in subdivision (i) of this subparagraph if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the product[3] to be manufactured abroad by use of the technical data is intended to be exported or reexported directly or indirectly to a Subgroup A destination or Poland (including Danzig).

(i) Technical data and services listed in (*a*) of this subdivision for the plants, processes, and equipment listed in (*b*) of this subdivision:

(*a*) Types of technical data and services:

(*1*) Proprietary research and the results therefrom;

(*2*) Processes developed pursuant to research (including technology with regard to component equipment items);

(*3*) Catalyst production, activation, utilization, reactivation and recovery;

(*4*) Plant and equipment design and layout to implement the processes; and

(*5*) Construction and operation of plant and equipment.

(*b*) Types of plants and processes: The following plants and/or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom:[4]

Alkylation.	Nitration.
Aromatization.	Oxidation.
Cracking.	Oxo process.
Dehydrogenation.	Ozonolysis.
Desulfurization.	Polymerization.
Halogenation.	Reduction.
Hydrogenation.	Reforming.
Isomerization.	

(ii) The limitations set forth in this subparagraph (4) do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance

[3] The term "product," as used in this sentence and in this context only, means the machine, equipment, plant, process, or service to be produced directly by use of the technical data, and not the commodity to be produced by or with such machine, equipment, plant, process, or service. An example of the product of technical data is reforming process equipment designed and constructed by use of the technical data exported. However, the aromatics produced by the reformer are not covered by this definition.

[4] This includes plants and processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

with the regulations of the United States Patent Office.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of December 3, 1959.

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59-10475; Filed, Dec. 10, 1959; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Reproduction of Veterans Administration Seal and Insignia

Part 1, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding a centerhead and § 1.9 immediately preceding centerhead "The Flag of the United States for Burial Purposes", as follows:

VETERANS ADMINISTRATION SEAL AND INSIGNIA

§ 1.9 Reproduction of Veterans Administration seal and insignia.

The reproduction of the Veterans Administration seal for other than official purposes is prohibited. However, the Administrator or Deputy Administrator may authorize the manufacture, sale or possession of Veterans Administration insignia by any person or persons, provided such action will tend to advance the aims, purposes and mission of Veterans Administration.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective December 11, 1959.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 59-10482; Filed, Dec. 10, 1959; 8:46 a.m.]

PART 2—DELEGATIONS OF AUTHORITY

Chapter I of Title 38, Code of Federal Regulations, is amended to add a new Part 2. Sections 2.1, 2.2, 2.3, 2.4, 2.5 and 2.8 published in 21 F.R. 5338; 22 F.R. 1108, 5659; and 23 F.R. 2718, 4061 are hereby amended and codified:

Sec.
2.1 Delegation of authority to employees to issue subpenas, etc.
2.2 Delegation of authority to employees to take affidavits, to administer oaths, etc.
2.3 Delegation of authority to the Chief Medical Director and Managers of Veterans Administration hospitals, regional offices with outpatient clinics, and Veterans Administration outpatient clinics to order advertising.
2.4 Delegation of authority to order paid advertising for use in recruitment for competitive service positions.
2.5 Delegation of authority to certify copies of documents, records, or papers in Veterans Administration files.
2.8 Delegation of authority to authorize allowances for Veterans Administration employees who are notaries public.
2.50 Managers of field stations authorized to designate employees to certify copies of records or documents in the custody of the Veterans Administration.
2.51 Delegation of authority to certain employees to exercise the power of the Administrator to waive stated procedural (nonsubstantive) requirements of the loan guaranty regulations.
2.52 Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to the guaranty or insurance of loans.
2.53 Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to assisting eligible veterans to acquire specially adapted housing.
2.54 Delegation of authority to certain employees to exercise the power of the Administrator to waive procedural (Nonsubstantive) requirements of the direct loan regulations.
2.55 Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to the making of direct loans.

AUTHORITY: §§ 2.1 to 2.55 issued under 72 Stat. 1114; 38 U.S.C. 210.

§ 2.1 Delegation of authority to employees to issue subpenas, etc.

(a) Employees occupying or acting in the positions designated in paragraph (b) of this section shall have the power to issue subpenas for (by countersigning VA Form 2-4003) and compel the attendance of witnesses within a radius of 100 miles from the place of hearing and to require the production of books, papers, documents, and other evidence. Discretion will be used in the exercise of this power which will not be used except when necessary or when the evidence cannot be obtained efficiently in any other way.

(b) Designated positions: Assistant Administrator for Appraisal and Security; Director, Investigation Service; Managers of district offices, regional offices, and centers having district office and/or regional office activities.

(c) Any person required by such subpena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of disobedience to any such subpena, the aid of any district court of the United States may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

§ 2.2 Delegation of authority to employees to take affidavits, to administer oaths, etc.

(a) An employee to whom authority is delegated by the Administrator in accordance with 38 U.S.C. 3311, or to whom authority was delegated by the Administrator in accordance with title III, Public Law 844, 74th Congress, section 616, Public Law 801, 76th Congress, and section 1211, Public Law 85-56, is by virtue of such delegated authority, until such authority is revoked or otherwise terminated, empowered to take affidavits, to administer oaths and affirmations, to aid claimants in the preparation and presentation of claims, and to make investigations, examine witnesses, and certify to the correctness of papers and documents upon any matter within the jurisdiction of the Veterans Administration. Such employee is not authorized to administer oaths in connection with the execution of affidavits relative to fiscal vouchers and is not authorized to take acknowledgments to policy loan agreements and applications for cash surrender value to United States Government life insurance and National Service life insurance.

(b) Any such oath, affirmation, affidavit, or examination, when certified under the hand of any such employee by whom it was administered or taken and authenticated by the seal of the Veterans Administration, may be offered or used in any court of the United States and, without further proof of the identity or authority of such employee, shall have like force and effect as if administered or taken before a clerk of such court.

(c) The delegated authority from the Administrator to employees to take affidavits, to administer oaths, etc., will be evidenced by VA Form 4505 series.

§ 2.3 Delegation of authority to the Chief Medical Director and Managers of Veterans Administration hospitals, regional offices with outpatient clinics, and Veterans Administration outpatient clinics to order advertising.

Ethical paid announcements of professional opportunities may be placed in professional journals, or other professional recruiting media, for the recruitment of professional personnel in the Department of Medicine and Surgery, who are not subject to Civil Service laws and regulations. Authority to order such advertising or notice is hereby delegated to the Chief Medical Director and Managers of Veterans Administration hospitals, regional offices with outpatient clinics, and Veterans Administration outpatient clinics pursuant to section 12 of the act of August 2, 1946, Public Law 600, 79th Congress (5 U.S.C. 22a).

§ 2.4 Delegation of authority to order paid advertising for use in recruitment for competitive service positions.

Paid advertisements may be used in recruitment for competitive service posi-

tions to the extent authorized by Civil Service Commission instructions. Authority to order such advertising is hereby delegated to the Chief Benefits Director, Chief Insurance Director, Chief Medical Director, and the Assistant Administrator for Personnel, pursuant to 5 U.S.C. 22a. Field Station Managers are delegated authority, pursuant to 5 U.S.C. 22a, to order such advertising in media having only local circulation. Field station Managers must secure prior approval of their respective department heads to order such advertising in media having national circulation. In the exercise of this authority proper precautions shall be taken to insure conformity with applicable regulatory and statutory requirements. The authority delegated herein may not be redelegated.

§ 2.5 Delegation of authority to certify copies of documents, records, or papers in Veterans Administration files.

Persons occupying the following positions in the office of the General Counsel are authorized to certify copies of public documents, records, or papers belonging to or in the files of the Veterans Administration for the purposes of 38 U.S.C. 202: General Counsel, Deputy General Counsel, Associate General Counsel, and Director and Assistant Director of any of the services.

§ 2.8 Delegation of authority to authorize allowances for Veterans Administration employees who are notaries public.

(a) Employees occupying or acting in the positions designated in paragraph (b) of this section are authorized to designate those employees who are required to serve as notaries public in connection with the performance of official business and to pay an allowance for the costs therefor not to exceed the expense required to be incurred by them in order to obtain their commission from and after January 1, 1955, pursuant to the Notaries Public Expense Act of 1955 (Pub. Law 681, 84th Cong., 5 U.S.C. 70a).

(b) Designated positions: Deputy Administrator, Chief Benefits Director, Chief Insurance Director, Chief Medical Director, General Counsel, and Managers of district offices, regional offices, hospitals, domiciliaries, and centers.

§ 2.50 Managers of field stations authorized to designate employees to certify copies of records or documents in the custody of the Veterans Administration.

This delegation of authority is identical to § 1.526(l) of the chapter.

§ 2.51 Delegation of authority to certain employees to exercise the power of the Administrator to waive stated procedural (nonsubstantive) requirements of the loan guaranty regulations.

This delegation of authority is identical to § 36.4335 of this chapter.

§ 2.52 Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to the guaranty or insurance of loans.

This delegation of authority is identical to § 36.4342 of this chapter.

§ 2.53 Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to assisting eligible veterans to acquire specially adapted housing.

This delegation of authority is identical to § 36.4408 of this chapter.

§ 2.54 Delegation of authority to certain employees to exercise the power of the Administrator to waive procedural (nonsubstantive) requirements of the direct loan regulations.

This delegation of authority is identical to § 36.4518 of this chapter.

§ 2.55 Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to the making of direct loans.

This delegation of authority is identical to § 36.4520 of this chapter.

These regulations are effective December 11, 1959.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 59-10492; Filed, Dec. 10, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 199]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive correcting an unsafe condition in Curtiss-Wright C-46 Series aircraft. It has been determined that a probable cause of a recent C-46 accident was ignition of cargo caused by contact with an unguarded light bulb. Service history also shows that unguarded light bulbs in baggage compartments are a serious fire hazard.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 13, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

CURTISS-WRIGHT. Applies to all C-46 Series aircraft including the C-46R and C-46/CW20-T aircraft.

To eliminate the possibility of a fire in the cargo and baggage compartments being caused by unshielded sources of heat, compliance with CAR 4b.382(d)[1] must be accomplished by March 1, 1960.

NOTE: Sources of heat likely to ignite cargo include light bulbs, combustion heaters, heater ducts, electrical appliances, etc."

Issued in Washington, D.C., on December 4, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-10467; Filed, Dec. 10, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 120]

ANNUAL, SPECIAL OR PERIODICAL REPORTS

Notice of Proposed Rule Making

DECEMBER 8, 1959.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, that the Commission proposes to amend 49 CFR 120.70 and 120.70a, which require that certain annual reports be filed by specified "persons" furnishing cars or protective services to railroads or express companies, and to cancel § 120.71, which requires that quarterly reports be filed. The changes would become effective as to reports for the year beginning January 1, 1960. The amended §§ 120.70 and 120.70a would read substantially as follows:

§ 120.70 Annual reports of refrigerator car lines owned or controlled by railroad companies.

Commencing with reports for the year ended December 31, 1960, and thereafter until further order, all refrigerator car lines which are operated in interstate commerce subject to the provisions of section 20(6) of the Interstate Com-

[1] Civil Air Regulation 4b.382(d):
"Sources of heat within the compartment shall be shielded and insulated to prevent igniting the cargo. [Added Amendment 4b-10, April 23, 1959]

merce Act, 49 U.S.C. 20, and which are owned or controlled, by railroad companies, are required to file annual reports in accordance with Annual Report Form B–1 (Annual reports of refrigerator car lines owned or controlled by railroad companies). Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., by March 31 of the year following the year to which it relates.

§ 120.70a Annual reports of persons furnishing cars, other than refrigerator car lines owned or controlled by railroad companies.

Commencing with reports for the year ended December 31, 1960, and thereafter, until further order, all persons furnishing cars to railroads or express companies, other than refrigerator car lines owned or controlled by railroad companies, and owning or operating 10 or more cars, are required to file annual reports in accordance with Form B–2 (Annual reports of persons furnishing cars, other than refrigerator car lines owned or controlled by railroad companies). Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., by March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

The effect of the proposal will be to require for railroad owned or controlled refrigerator car lines annual reports on Form B–1, which is presently filed, and to require all other persons furnishing cars to railroads or express companies and owning 10 or more cars to file annual reports on Form B–2,[1] a copy of which is attached to this notice. For other refrigerator car lines, such persons owning 10 but less than 100 cars, the proposed § 170a would require initial filing of annual report Form B–2; these carriers are not presently required to file annual reports. All such persons furnishing cars to railroads or express companies, including refrigerator car lines owned or controlled by railroads, would be relieved of the requirement of filing quarterly reports.

The data required by Form B–2, which would for the first time be filed by such persons with 10 but less than 100 cars are data which, it is believed, normally would be maintained by these and other car lines, either for tax purposes or for the filing of currently required quarterly reports.

Any party desiring to make representations in favor of or against the proposed changes may do so through the submission of written data, views or arguments. The original and 5 copies of such representations must be filed with the Interstate Commerce Commission, Washington 25, D.C., within 30 days of the date hereof.

The proposed changes are subject to modifications that may be made as the result of such representations.

[1] Filed as part of the original document.

A copy of this notice and of revised Form B–2 shall be served upon all refrigerator car lines subject to section 20(6) of the Interstate Commerce Act, owned or controlled by railroad companies, upon all other persons furnishing cars to railroads and owning 10 or more cars and upon every trustee, receiver, executor, administrator, or assignee of any such car line or person, and notice shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–10479; Filed, Dec. 10, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

BICYCLES FROM CZECHOSLOVAKIA

Purchase Price; Foreign Market Value

DECEMBER 7, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of bicycles imported from Czechoslovakia is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of bicycles from Czechoslovakia pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F.R. Doc. 59–10480; Filed, Dec. 10, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

ALBERT A. BARBER AND MAISON A. BARBER

Order Denying Export Privileges

In the matter of Albert A. Barber, doing business as Maison A. Barber, 46 rue Joseph Brand, Brussels 3, Belgium, Case No. 265, respondent.

Albert A. Barber, doing business under the firm name and style of Maison A. Barber in Brussels, Belgium, the respondent herein, was charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, he engaged in conduct which induced the exportation of goods from the United States and later transshipped such goods to Communist China and another unauthorized destination, contrary to the regulations and the authorizations under which the goods had been exported from the United States. He answered the charging letter, admitting some of the charges but citing various factors in defense or alleged mitigation.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports findings of violation and has recommended that the respondent be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answer and other material submitted by respondent, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, respondent, Albert A. Barber, was engaged in the import and export business in Brussels, Belgium, and conducted that business under the firm name and style of Maison A. Barber.

2. At all times hereinafter mentioned, respondent knew that the electronic tubes hereinafter mentioned, when exported from the United States to Belgium, were not to be re-exported by him to any other country without prior disclosure to his supplier in the United States and authorization from the Bureau of Foreign Commerce.

3. Having such knowledge, respondent, (a) by letter dated March 29, 1956, ordered from said supplier 75 electronic tubes valued at about $450, (b) by letter dated September 27, 1956, ordered from the same supplier 500 preamplifier tubes also valued at approximately $450, and (c) by letter dated April 18, 1957, ordered from the same supplier 37 electronic tubes valued at $49.45, prior to exportation.

4. In the letters ordering the 75 tubes and the 500 tubes, respondent certified that they were to be used for replacement of radio and amplifier equipment in Belgium and that he would not export the same to any other country without giving prior notice to his supplier. He made no such certification with respect to the 37 tubes because he tailored that order to bring it within the provisions of General License GLV.

5. Following receipt of respondent's letters of March 29, 1956, and September 27, 1956, the supplier applied to the Bureau of Foreign Commerce for validated export licenses authorizing the exporta-

tion to the respondent of the tubes so ordered by him. In order to obtain said licenses, respondent's supplier, in turn, represented to the Bureau of Foreign Commerce that the tubes were to be used in Belgium and, in granting the applications, the Bureau of Foreign Commerce relied on said certifications and representations.

6. Respondent's supplier, in accordance with the authority granted to it by the two validated licenses so issued by the Bureau of Foreign Commerce, exported the said 75 and 500 electronic tubes to him in two separate shipments. Because the aggregate value of the 37 tubes ordered by the respondent, in his letter of April 18, 1957, was less than $50 prior to exportation, respondent's supplier exported said tubes to him under General License GLV.

7. Respondent received from his supplier the bills of lading covering each such shipment. On the bills of lading for the 75 tubes and for the 37 tubes, there was endorsed in each instance a destination control notice, warning that the commodities covered thereby were licensed by the United States for Belgium as the ultimate destination and that diversion contrary to United States law was prohibited.

8. The respondent caused the 75 tubes ordered by him on March 29, 1956, to be transshipped to Lausanne, Switzerland, without prior authorization from the Bureau of Foreign Commerce and without notifying his supplier in the United States that the tubes were not to be used in Belgium as he had certified.

9. The respondent caused the 37 tubes ordered by him on April 18, 1957, and the 500 tubes ordered by him on September 27, 1956, to be transshipped to a consignee in Shanghai, China, without prior authorization from the Bureau of Foreign Commerce. This was contrary to the certification he had made with respect to the ultimate use of the 500 tubes, contrary to the destination control notice endorsed on the bill of lading for the 37 tubes, and contrary to the terms of the licenses under which both lots had been exported from the United States.

And, from the foregoing, it is my conclusion that the respondent knowingly diverted, transshipped, and re-exported the said three shipments of electronic tubes to destinations other than those for which their exportation had been licensed and without prior authorization from the Bureau of Foreign Commerce, all in violation of §§ 379.10(d)(2) and 381.6 of the Export Control Regulations.

In his report the Compliance Commissioner said in part:

> In substance, respondent's defenses are that some of the goods involved herein proved defective and were returned ultimately to the vendor in the United States, that he believed there were no limitations on exportations which leave the United States under General License GLV, and that the values involved were trifling. The mere fact that, following an unlawful transshipment of goods, the goods are returned because they proved defective does not in any way lessen the offense of transshipment in violation of the Export Control Regulations. The alleged "belief" that the General License GLV imposes no restrictions on the future disposition of goods exported thereunder would not, under any circumstances, be a defense. A party who undertakes to engage in a particular business (in this case, importing goods exported from the United States) is under an obligation to become informed of the laws and regulations governing that business. If he fails so to inform himself, he is responsible for any violation thereof. This respondent showed his awareness of applicable United States export controls by his careful tailoring of the GLV order to come within the dollar amount provided therefor. In addition, he was put on actual notice that transshipment was not permitted when he received the bills of lading endorsed with the destination control warning. He showed also his familiarity with United States export controls when, in his letters ordering goods involved in this case, he made certifications with respect to end use of the commodities being ordered. It seems to me that the respondent engaged in his transshipment activities only because such activities were extremely profitable for him. This appears from the valuations which he placed on goods which he directed to be transshipped. For example, when he transshipped the 37 tubes which had been exported from the United States at a value under $50, he valued them at $225. And, when he transshipped the 500 tubes exported from the United States at a value of $445, he valued them at $2,500. The goods involved herein were electronic tubes on the Positive List. The violations were serious and committed deliberately. It is my recommendation that the respondent be denied export privileges so long as export controls are in effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which Albert A. Barber or Maison A. Barber appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and so long as export controls shall be in effect, the said respondent, his agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated license, or resorting to a procedure permitted by any General License, or the utilization of any export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with the respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which the respondent may have any interest of any kind or nature.

Dated: December 8, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-10483; Filed, Dec. 10, 1959; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

RESEARCH IN USE OF NEW MEDIA OF COMMUNICATION FOR EDUCATIONAL PURPOSES

Dates for Filing Proposals

Under Title VII of the National Defense Education Act of 1958 (P.L. 85-864; 72 Stat. 1595), the Commissioner of Education is authorized to make grants-in-aid and to enter into contracts, approved by the Advisory Committee on New Educational Media, for research and experimentation in the more effective utilization of television, radio, and motion pictures and related media of communication for educational purposes.

The Advisory Committee will meet in the Spring and again in the Fall to consider proposals for such research and experimentation. Notice is hereby given that in order to permit time for analysis and other processing, proposals must be postmarked or otherwise submitted on or before February 1, 1960, to be considered by the Committee at its Spring meeting and on or before August 1, 1960, to be considered by the Committee at its Fall meeting.

Proposals should be submitted to the Director, Educational Media Branch, Division of Statistics and Research Services, Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C.

Instructions for the submission of proposals, including the preparation of ap-

plications, may be obtained from the above address.

Dated: December 4, 1959.

[SEAL] WAYNE O. REED,
Acting Commissioner of Education.

[F.R. Doc. 59-10472; Filed, Dec. 10, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-141]

BOARD OF TRUSTEES OF LELAND STANFORD JUNIOR UNIVERSITY

Notice of Issuance of Facility License

The Atomic Energy Commission has issued Facility License No. R-60 to the Board of Trustees of the Leland Stanford Junior University authorizing possession and operation of a 10-kilowatt pool-type nuclear reactor facility located on the University's campus near Palo Alto, California. Notice of the proposed action was published in the FEDERAL REGISTER on November 5, 1959, 24 F.R. 9027.

Dated at Germantown, Md., this 4th day of December 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-10466; Filed, Dec. 10, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13257, 13258; FCC 59M-1659]

CATSKILLS BROADCASTING CO. AND ELLENVILLE BROADCASTING CO.

Order Following Prehearing Conference

In re applications of Harry G. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz, and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266; Jerome Z. Elkin, Charles W. Letter, Samuel Elkin and Harry W. Weiss, d/b as Ellenville Broadcasting Company, Ellenville, New York, Docket No. 13258, File No. BP-12742; for construction permits.

A prehearing conference in the above-entitled matter having been held on December 3, 1959, and it appearing that certain agreements, of a procedural nature, made therein among counsel and approved by the Hearing Examiner should be formalized in an order;

It is ordered, This 4th day of December 1959, as follows:

(1) The direct cases of the applicants shall be presented by written, sworn exhibits;

(2) In the event any written material is excluded at the hearing on the ground of incompetency, then the party offering such matter shall be afforded the opportunity of restoration thereof by competent oral testimony;

(3) Applicant Ellenville Broadcasting Company shall make a preliminary exchange with the other parties herein of its engineering exhibits relative to the question of overlap by the Catskills proposal, on December 22, 1959;

(4) The applicants shall make a final exchange of all proposed exhibits relating to their respective direct cases (with copies to be supplied to Broadcast Bureau counsel and the Hearing Examiner) on January 28, 1960; and

(5) Notification as to the witnesses required to be present for cross-examination at the hearing shall be given on February 8, 1960.

It is further ordered, That the hearing heretofore scheduled to commence on January 28, 1960, is hereby continued to February 15, 1960, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: December 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10486; Filed, Dec. 10, 1959; 8:47 a.m.]

[Docket No. 13291; FCC 59-1224]

MILE HIGH STATIONS, INC.

Order to Show Cause

In the matter of revocation of license of Mile High Stations, Inc., for standard broadcast Station KIMN, Denver, Colorado, Docket No. 13291.

The Commission having under consideration (1) the outstanding license issued to the above-captioned licensee authorizing it to operate Station KIMN in the public interest, convenience or necessity on the frequency of 950 kc at Denver, Colorado; (2) the letters filed by Don W. Burden on September 24 and 28, 1959, complaining against certain program material previously broadcast by Station KIMN, Denver, Colorado; (3) the Commission's letters to the above-captioned licensee dated September 25 and 28, 1959, enclosing copies of said letters of complaint; and (4) the replies and attachments filed by said licensee on September 29 and October 15, 1959; and

It appearing that in said complaints, it was alleged that for months prior to the dates thereof, Station KIMN broadcast certain specified and quoted program material which was vulgar, indecent, ribald, offensive, in bad taste, suggestive, with double meaning, and/or obscene; that a tape recording of such program material was submitted to the Commission in support of said allegations; and that the replies and affidavits submitted by the licensee, while disclaiming personal knowledge of said broadcasts by the principal officer and owner of said licensee, did not deny that the broadcasts specified in said complaints had been made; and

It further appearing that during the period the alleged broadcasts were made, a sizeable portion of the listening audience of Station KIMN consisted of secondary school students, teenagers and boys and girls under the age of 21 years; and

It further appearing that said licensee's outstanding license provides that "The licensee shall, during the term of this license, render such broadcasting service as will serve public interest, convenience, or necessity to the full extent of the privileges herein conferred"; and

It further appearing that in broadcasting said program material, Station KIMN was not serving the public interest, convenience, or necessity; that it was operating in a manner contrary to the public interest, convenience or necessity; that such operations constitute conditions which would warrant the Commission in refusing to grant a license or permit to the said licensee on an original application; and that said licensee has willfully and repeatedly failed to operate substantially as set forth in its license;

It is ordered, This 2d day of December 1959, pursuant to the provisions of sections 312(a)(2), 312(a)(3) and 312(c) of the Communications Act of 1934, as amended, that said licensee, Mile High Stations, Inc., is directed to show cause why an order revoking its license for standard broadcast station KIMN, Denver, Colorado, should not be issued, and to appear and give evidence with respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this order; and

It is further ordered, That the Secretary of the Commission send a copy of

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail itself of the opportunity to be heard, shall in person or by its attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., it should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

this order by Registered Mail-Return Receipt Requested to the said Mile High Stations, Inc.

Released: December 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10487; Filed, Dec. 10, 1959; 8:47 a.m.]

[Docket Nos. 13213, 13214; FCC 59M-1663]

MOUNT WILSON FM BROADCASTERS, INC. (KBCA) AND FREDDOT, LTD. (KITT)

Order Continuing Hearing

In re applications of Mount Wilson FM Broadcasters, Inc. (KBCA), Los Angeles, California, Docket No. 13213, File No. BPH-2705; Freddot, Ltd. (KITT), San Diego, California, Docket No. 13214; File No. BMPH-5593; for construction permits (FM facilities).

The Hearing Examiner has under consideration a motion filed December 2, 1959, on behalf of Harriscope, Inc., requesting that the prehearing conference now scheduled for December 10, 1959, be continued until January 25, 1960, and that the evidentiary hearing now scheduled for December 17, 1959, be continued also.

The reason for the requested continuance is the fact that the engineering study on behalf of Harriscope, Inc., has not yet been finally completed.

Other counsel are agreeable to the requested continuance but because of other commitments prefer the date of January 26, 1960, which date is convenient to movant. The element of time requires prompt action on this petition. Good cause for granting the requested extension has been shown.

It is ordered, This the 4th day of December 1959, that the motion filed on behalf of Harriscope, Inc., is granted and the prehearing conference now scheduled for December 10, 1959, is continued to January 26, 1960, and the evidentiary hearing now scheduled to begin on December 17, 1959, is continued to a date to be decided at the prehearing conference on January 26, 1960.

Released: December 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10488; Filed, Dec. 10, 1959; 8:47 a.m.]

[Docket No. 13056; FCC 59M-1654]

NATIONAL BROADCASTING CO., INC. (WRCA)

Order Continuing Hearing Conference

In re application of National Broadcasting Company, Inc. (WRCA), New York, New York, Docket No. 13056, File No. BP-11796; for construction permit for standard broadcast station.

The Hearing Examiner having under consideration "Petition to Amend Application and For a Stay" filed by National Broadcasting Company, Inc., in the above-style proceeding on December 3, 1959; and

It appearing that a prehearing conference is now scheduled for December 4, 1959;

It further appearing that the portion of the instant petition which asks permission for leave to amend the application involved in this proceeding should be acted upon prior to a prehearing conference and the request for a "stay" is construed as a request for a continuance of such prehearing conference; and

It further appearing that counsel for the Broadcast Bureau, the only other party to this proceeding, has informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to an immediate consideration and grant of the request for continuance of prehearing conference presently scheduled;

It is ordered, This 3d day of December 1959, that the prehearing conference in the above-styled proceeding scheduled for December 4, 1959, be and it is hereby continued without date pending action upon the request for leave to amend application which will be the subject of a subsequent order in this proceeding.

Released: December 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10489; Filed, Dec. 10, 1959; 8:47 a.m.]

[Docket No. 11908; FCC 59M-1656]

NORTHSIDE BROADCASTING CO.

Order Continuing Hearing

In re application of Thomas E. Jones and Keith L. Reising, d/b as Northside Broadcasting Company, Jeffersonville, Indiana, Docket No. 11908, File No. BP-10824; for construction permit.

The Hearing Examiner having under consideration a motion for continuance of hearing date filed by the applicant on December 3, 1959;

It appearing that further hearing in this proceeding is scheduled to commence on December 10, 1959, but that the applicant's consulting engineer was obliged to undergo an emergency operation which has prevented the completion of measurement data; and

It further appearing that counsel for the other parties have consented to a grant of the motion and waiver of the four-day rule;

It is ordered, This 4th day of December 1959, that the applicant's motion for continuance is granted and the further hearing is continued from December 10, 1959, to January 15, 1960.

Released: December 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10490; Filed, Dec. 10, 1959; 8:47 a.m.]

[Docket No. 13162 etc.; FCC 59M-1655]

RADIO MUSCLE SHOALS, INC. (WOWL) ET AL.

Order Continuing Hearing

In re applications of Radio Muscle Shoals, Inc. (WOWL), Florence, Alabama, Docket No. 13162, File No. BP-12150; Union City Broadcasting Co., Inc. (WENK), Union City, Tennessee, Docket No. 13163, File No. BP-12218; the Corinth Broadcasting Company, Inc. (WCMA), Corinth, Mississippi, Docket No. 13164, File No. BP-12269; Alan G. Patteson, Jr. and Matthew Carter Patteson d/b as Patteson Brothers (KBTM), Jonesboro, Arkansas, Docket No. 13165, File No. BP-12358; Capitol Broadcasting Company (WKDA), Nashville, Tennessee, Docket No. 13166, File No. BP-12518; John R. Crowder, James Porter Clark and James W. Tate, d/b as Fayetteville Broadcasting Company (WEKR), Fayetteville, Tennessee, Docket No. 13167, File No. BP-12777; Walker County Broadcasting Company, Inc. (WARF), Jasper, Alabama, Docket No. 13169, File No. BP-13101; for construction permits.

Pursuant to agreement of all counsel:

It is ordered, This 3d day of December, 1959, that an informal engineering conference will be held on January 5, 1960; and that another session of the prehearing conference will be held at 9 a.m., January 19, 1960; and

It is further ordered, That the hearing now scheduled for December 15, 1959, be and the same is hereby continued to a date to be fixed at the further session of the prehearing conference.

Released: December 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-10491; Filed, Dec. 10, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-20272]

ATLANTIC SEABOARD CORP.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

DECEMBER 4, 1959.

On November 4, 1959, Atlantic Seaboard Corporation (Atlantic), an affiliate of the Columbia Gas System, Inc., tendered for filing Second Revised Sheets

Nos. 8, 9, 13, 14, 16C, 16D, 17C and 17D, Third Revised Sheets Nos. 7, 12, 16A, 17A, 26 and 28, and Fourth Revised Sheets Nos. 22 and 24 to its FPC Gas Tariff, Seventh Revised Volume No. 1, and Seventh Revised Sheet No. 54 to its FPC Gas Tariff, Original Volume No. 2. The tendered tariff sheets propose an annual increase in rates and charges totaling approximately $4,383,022 or 6 percent, based on sales for the test year ended June 30, 1959. Atlantic requests an effective date of December 7, 1959, and, if the proposed increase is suspended, requests that the period of suspension end on April 5, 1960, concurrently with that of Tennessee Gas Transmission Company's (Tennessee) suspended increase in Docket No. G-19983. The proposed increase is in addition to the increase in effect subject to refund in Docket No. G-18422.

In support of the proposed increased rates and charges, Atlantic submitted cost data for the test year, ended June 30, 1959, with adjustments. The claimed costs contain several questionable items, including but not limited to: (1) Increased costs of purchased gas,[1] in part as an indirect result[2] of Tennessee's suspended increase in Docket No. G-19983, (2) increased depreciation rates (3) a claimed increase in rate of return from 6¼ percent to 6.8 percent and associated income taxes, and (4) a proposed rate tilt.

The increased rates and charges proposed in Atlantic's above-designated revised tariff sheets have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Atlantic's FPC Gas Tariff, Seventh Revised Volume No. 1, as proposed to be amended by Second Revised Sheets Nos. 8, 9, 13, 14, 16C, 16D, 17C, and 17D; Third Revised Sheets Nos. 7, 12, 16A, 17A, 26 and 28, and Fourth Revised Sheets Nos. 22 and 24, and Atlantic FPC Gas Tariff, Original Volume No. 2, as proposed to be amended by Seventh Revised Sheet No. 54; and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Atlantic's FPC Gas Tariff, Seventh Revised Volume No. 1 as proposed to be amended by Second Revised Sheets Nos. 8, 9, 13, 14, 16C, 16D, 17C, and 17D; Third Revised Sheets Nos. 7, 12, 16A, 17A, 26 and 28, and Fourth Revised Sheets Nos. 22 and 24, and Atlantic's FPC Gas Tariff, Original Volume No. 2, as proposed to be amended by Seventh Revised Sheet No. 54.

(B) Pending such hearing and decision thereon, Second Revised Sheets Nos. 8, 9, 13, 14, 16C, 16D, 17C, and 17D, Third Revised Sheets Nos. 7, 12, 16A, 17A, 26 and 28 and Fourth Revised Sheets Nos. 22 and 24 to Atlantic's FPC Gas Tariff, Seventh Revised Volume No. 1, and Seventh Revised Sheet No. 54 to Atlantic's FPC Gas Tariff, Original Volume No. 2 are suspended and the use thereof deferred until May 7, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10468; Filed, Dec. 10, 1959; 8:45 a.m.]

[1] Since Atlantic's proposed increase is based in part on increases of suppliers presently under suspension or in effect subject to refund, Atlantic cannot support its claimed increase in purchased gas costs.

[2] Atlantic purchases a substantial portion of its gas from its affiliate, United Fuel Gas Company, which is supplied in part by Tennessee.

[Docket No. G-20271]

KENTUCKY GAS TRANSMISSION CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

DECEMBER 4, 1959.

On November 4, 1959, Kentucky Gas Transmission Corporation (Kentucky Gas) tendered for filing Second Revised Sheets Nos. 8, 9, 14 and 15; Third Revised Sheets Nos. 7, 12 and 27; and Fourth Revised Sheet No. 22 to its FPC Gas Tariff, First Revised Volume No. 1 requesting an effective date of December 7, 1959, and proposing an annual increase in its rates of $3,649,700 or 9.3 percent based on sales for the test year ended June 30, 1959. The proposed increase is in addition to its increase in effect subject to refund in Docket No. G-18421.

In support of the proposed increase Kentucky Gas submitted cost data for its test year with adjustments. The adjustments reflect, inter alia: (1) increased costs of purchased gas which is based in large part on increases which have not been filed, are in effect subject to refund or are presently under suspension; (2) increased depreciation rates which are based on year end plant and should be justified on the record; and (3) increased employee benefits expense which should be justified on the record. In addition, Kentucky Gas claims a 6.8 percent rate of return and associated income taxes whereas a 6.25 percent rate of return was found to be reasonable in Opinion 258 involving United Fuel Gas Company, which is also a member of the same Columbia System.

The increased rates and charges provided for in Second Revised Sheets Nos. 8, 9, 14, and 15; Third Revised Sheets Nos. 7, 12, and 27; and Fourth Revised Sheet No. 22 to its FPC Gas Tariff, First Revised Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the proposed rates, charges, classifications, and services contained in the tariff sheets tendered by Kentucky Gas on November 4, 1959, and that said proposed tariff sheets and the rates contained therein be suspended and the use thereof be deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Kentucky Gas' FPC Gas Tariff, as proposed to be amended by Second Revised Sheets Nos. 8, 9, 14 and 15; Third Revised Sheets Nos. 7, 12 and 27; and Fourth Revised Sheet No. 22 to its FPC Gas Tariff, First Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Kentucky Gas' Second Revised Sheets Nos. 8, 9, 14, and 15; Third Revised Sheets Nos. 7, 12 and 27; and Fourth Revised Sheet No. 22 to its FPC Gas Tariff, First Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until May 7, 1960, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10469; Filed, Dec. 10, 1959; 8:45 a.m.]

[Docket No. G-20273]

OHIO FUEL GAS CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

DECEMBER 4, 1959.

On November 4, 1959, The Ohio Fuel Gas Company (Ohio Fuel) an affiliate of the Columbia Gas System, Inc., tendered for filing First Revised Sheets Nos.

8 and 9, and Second Revised Sheets Nos. 7, 22 and 27 to its FPC Gas Tariff, Third Revised Volume No. 1. The tendered tariff sheets propose an annual increase in rates and charges totaling approximately $1,005,648 or 2.8 percent, based on sales for the test year ended June 30, 1959. Ohio Fuel requests an effective date of December 7, 1959, and, if the proposed increase is suspended, requests that the period of suspension end on April 5, 1960, concurrently with that of Tennessee Gas Transmission Company's (Tennessee) suspended increase in Docket No. G-19983. The proposed increase is in addition to the increase in effect subject to refund in Docket No. G-18423.

In support of the proposed increased rates and charges, Ohio Fuel submitted cost data for a test year, ended June 30, 1959, with adjustments. The claimed costs contain several questionable items, including but not limited to: (1) Increased costs of purchased gas,[1] in part as and indirect result[2] of Tennessee's suspended increase in Docket No. G-19983, (2) increased depreciation rates (3) a claimed increase in rate of return from 6¼ percent to 6.8 percent and associated income taxes, and (4) a proposed rate tilt.

The increased rates and charges proposed in Ohio Fuel's above-designated revised tariff sheets have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Ohio Fuel's FPC Gas Tariff, Third Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 8 and 9, and Second Revised Sheets Nos. 7, 22 and 27; and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Ohio Fuel's FPC Gas Tariff, Third Revised Volume No. 1 as proposed to be amended by First Revised Sheets Nos. 8 and 9, and Second Revised Sheets Nos. 7, 22 and 27 to its FPC Gas Tariff, Third Revised Volume No. 1.

(B) Pending such hearing and decision thereon, First Revised Sheets Nos. 8 and 9, and Second Revised Sheets Nos. 7, 22 and 27 to Ohio Fuel's FPC Gas Tariff, Third Revised Volume No. 1 are suspended and the use thereof deferred until May 7, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10470; Filed, Dec. 10, 1959; 8:45 a.m.]

[1] Since Ohio Fuel's proposed increase is based in part on increases of suppliers which are presently under suspension or in effect subject to refund, Ohio Fuel cannot at present support its claimed increases in purchased gas costs.

[2] Ohio Fuel purchases a large portion of its gas from its affiliate, United Fuel Gas Company, which is supplied in part by Tennessee. Ohio Fuel is also served by Manufacturers Light and Heat Company which receives much of its gas from United Fuel Gas Company.

[Docket No. G-20270]

UNITED FUEL GAS CO.

Order Providing for Hearing and Suspending Proposed Tariff Sheets

DECEMBER 4, 1959.

On November 4, 1959, United Fuel Gas Company (United Fuel) tendered for filing Second Revised Sheets Nos. 8 and 9; Fourth Revised Sheets Nos. 7, 27 and 33, and Fifth Revised Sheet No. 22 to its FPC Gas Tariff, Fifth Revised Volume No. 1, requesting an effective date of December 7, 1959, and proposing an annual increase in its rates of $14,614,488 or 9.3 percent based on sales for the test year ended June 30, 1959. The proposed increase is in addition to the increase in effect subject to refund in Docket No. G-18420.

In support of the proposed increase United Fuel submitted cost data for its test year with adjustments. The adjustments reflect questionable items which include but are not limited to: (1) Increased costs of purchased gas and transportation service which have not been filed, have been rejected, are presently under suspension, or are in effect subject to refund, (2) increased depreciation rates which are based on year end plant and should be justified and (3) increased employee benefits expense which should be justified. In addition United Fuel claims a 6.8 percent rate of return and associated income taxes whereas a 6.25 percent rate of return was found reasonable for United Fuel by Opinion 258.

The increased rates and charges provided for in the tariff sheets tendered by United Fuel on November 4, 1959, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Second Revised Sheets Nos. 8 and 9; Fourth Revised Sheets Nos. 7, 27 and 33; Fifth Revised Sheet No. 22 to United Fuel's FPC Gas Tariff Fifth Revised Volume No. 1.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, Classifications, and services contained in United Fuel's FPC Gas Tariff, Fifth Revised Volume No. 1 as proposed to be amended by Second Revised Sheets Nos. 8 and 9; Fourth Revised Sheets Nos. 7, 27 and 33; Fifth Revised Sheet No. 22.

(B) Pending such hearing and decision thereon Second Revised Sheets Nos. 8 and 9; Fourth Revised Sheets Nos. 7, 27 and 33; Fifth Revised Sheet No. 22 to United Fuel's FPC Gas Tariff, Fifth Revised Volume No. 1, are suspended and the use thereof deferred until May 7, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10471; Filed, Dec. 10, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

DECEMBER 7, 1959.

In the matter of trading on the New York Stock Exchange and the Detroit Stock Exchange in the $1.00 par value common stock of F. L. Jacobs Co.; File No. 1-2645.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York, Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On November 27, 1959, the Commission issued its order summarily suspend-

ing trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending December 7, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 8, 1959, to December 17, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-10473; Filed, Dec. 10, 1959; 8:46 a.m.]

[File No. 70-3825]

PENN FUEL GAS, INC., AND JOHN H. WARE, 3d

Notice of Filing of Application for Approval of Acquisition of Capital Stock of Public Utility Company

DECEMBER 4, 1959.

Notice is hereby given that Penn Fuel Gas, Inc. ("Penn Fuel"), a conditionally exempt holding company, and John H. Ware, 3d ("Ware"), an affiliate of Penn Fuel and the owner of 100 percent of the common stock of three public-utility companies, have filed a joint application and an amendment thereto, pursuant to sections 9(a)(2) and (10) of the Public Utility Holding Company Act of 1935 ("Act"), for approval of the acquisition of capital stock of Lewisburg Gas Company ("Lewisburg"), a nonaffiliated public-utility company.

All interested persons are referred to the application on file at the office of the Commission for a statement of the proposed transactions and the reasons therefor, which transactions are summarized as follows:

Lewisburg, a Pennsylvania corporation, at June 30, 1959, had outstanding 500 shares of $50 par value capital stock, $22,000 of real estate mortgage indebtedness, and $11,000 of notes. Pursuant to an agreement dated September 1, 1959, Penn Fuel proposes to acquire approximately all of said capital stock of Lewisburg for a cash consideration of $65 per share, or an aggregate of $32,500 if all the shares are acquired. Ware does not propose to acquire directly any of the Lewisburg stock, but joins in the application because of his affiliate relationship to Penn Fuel, and to three public-utility companies not part of the Penn Fuel system.

Penn Fuel, a Pennsylvania corporation, is solely a holding company, which through its 14 public-utility subsidiaries distributes natural and manufactured or liquefied petroleum ("l.p.") gas in various towns and cities in central and eastern Pennsylvania. As at June 30, 1959, the consolidated assets of Penn Fuel and its subsidiaries, after deducting reserves, aggregated $7,096,062, and for the 12 months then ended, total consolidated revenues were $4,225,611. Lewisburg serves l.p. gas in the town of Lewisburg and environs to 621 metered customers in an area having a population of approximately 6,200. It also sells bottled gas in the area. The town of Lewisburg lies approximately in the center of the area served by Penn Fuel's system, being 35 to 40 miles distant from several of the nearest of the communities so served. At June 30, 1959, Lewisburg's total assets, after deducting the reserves, aggregated $119,745. For the year 1958, Lewisburg's revenues from metered service amounted to $32,100, and from the sale of bottled gas amounted to $23,001.

The application states that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed acquisition; and that the fees and expenses to be incurred are estimated at not to exceed $2,500 all of which, except for minor expenses incident to the transfer of the stock, will be paid by Penn Fuel.

Notice is further given that any interested person may, not later than December 21, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the joint application, as filed or as amended, may be granted as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-10474; Filed, Dec. 10, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 8, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35872: *Wheat and flour from Texas points to Texas ports for export.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 373), for interested rail carriers. Rates on wheat and wheat flour, in carloads from points in Texas to Galveston, Houston, Texas City, Beaumont, and Port Arthur, Tex., for export.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 31 to Texas-Louisiana Freight Bureau tariff I.C.C. 899.

FSA No. 35873: *Grain and soybeans from Shawneetown, Ill., to Gulf Ports.* Filed by O. W. South, Jr., Agent (SFA No. A3880), for interested rail carriers. Rates on barley, corn (other than popcorn) oats, rye, wheat, and soybeans, in carloads from Shawneetown, Ill., to New Orleans, La., Gulfport and Pascagoula, Miss., Mobile, Ala., and Pensacola, Fla.

Grounds for relief: Rate relationship with Evansville, Ind.

Tariff: Supplement 40 to Southern Freight Association tariff I.C.C. S-22.

FSA No. 35874: *Substituted service—C&NW for Interstate Motor Freight System.* Filed by Middlewest Motor Freight Bureau, Agent (No. 206), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Butler, Wis., and St. Paul, Minn., on traffic originating at or destined to points in the territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 118 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35875: *Substituted service—CRI&P for Missouri-Arkansas Transportation Company.* Filed by Middlewest Motor Freight Bureau, Agent (No. 207), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., and Wichita, Kans., on traffic originating at or destined to points in the territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 118 to Middlewest Motor Freight tariff MF-I.C.C. 223.

FSA No. 35876: *Plasterer and related articles—Western points to Louisiana, Mississippi and Tennessee.* Filed by Southwestern Freight Bureau, Agent (No. B-7699), for interested rail carriers. Rates on plaster, gypsum wallboard, and related articles, in carloads from specified points in Colorado, Illinois, Indiana,

Iowa, Kansas, and Utah to Baton Rouge and New Orleans, La., Natchez, and Vicksburg, Miss., and Memphis, Tenn.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 83 to Southwestern Freight Bureau tariff I.C.C. 4149 and other schedules named in the application.

FSA No. 35877: *Onions and onion sets from WTL to official territory.* Filed by Western Trunk Line Committee, Agent (No. A-2101), for interested rail carriers. Rates on onions (without tops), and onion sets, in carloads from points in Colorado, Idaho, Nebraska, Utah, and Wyoming to points in official territory.

Grounds for relief: Market competition.

Tariff: Supplement 72 to Western Trunk Line Committee tariff I.C.C. A-4033.

FSA No. 35878: *Substituted service—Illinois Central for Gateway Transportation Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 205), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Dubuque, Iowa, on traffic originating at or destined to points in the territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 118 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35879: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 371), for interested rail carriers. Rates on air cleaner or cooler covers, and other commodities described in the application between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Interastate competition and maintenance of rates from or to points in other states not subject to the same competition.

Tariff: Supplement 95 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35880; *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 372), for interested rail carriers. Rates on petroleum coke, and other commodities described in the application from and to specified points in Texas, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 95 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-10478; Filed, Dec. 10, 1959; 8:46 a.m.]

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